

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY HILL, *et al.*,

Plaintiffs,

Case No. 10-14568

v.

Hon. John Corbett O'Meara

RICK SNYDER, *et al.*,

Defendants.

_____ /

ORDER REQUIRING IMMEDIATE COMPLIANCE WITH MILLER

Graham and Miller together declared that convicts sentenced to life imprisonment without parole for crimes committed as juveniles violated the Eighth Amendment by imposing cruel and unusual punishment. This Order addresses and corrects such sentences in a manner consistent with the Opinions in those cases. To date, the defendants have not understood these decisions to require the effective actions described below.

The defendants will, by the end of the day, December 31, 2013:

1. Create an administrative structure for the purpose of processing and determining the appropriateness of paroles for prisoners sentenced to life without parole for crimes committed as juveniles.
2. Give notice to all such persons who have completed 10 years of imprisonment that their eligibility for parole will be considered in a meaningful and realistic manner.

3. Schedule, on a fair and reasonable basis, proceedings including a public hearing for each of the eligible prisoners making application for consideration.
4. Put in place a process for preliminary determination of appropriateness of submission of each eligible prisoner's application for parole to the entire Parole Board.
5. The proceedings, from an initial determination of eligibility will be fair, meaningful, and realistic.
6. The Parole Board will, in each case, issue its decision and explain its decision determining the appropriateness vel non of parole. It will not issue a "no interest" Order or anything materially like a "no interest" Order.
7. There will be no vetoes by the sentencing Judge or anyone else.
8. As of the date this process begins, no prisoner sentenced to life imprisonment without parole for a crime committed as a juvenile will be deprived of any educational or training program which is otherwise available to the general prison population.

On or before January 31, 2014, defendants will submit to this court a program and process compliant with the specifics ordered above. Failure to do so and/or failure to explain to the court any shortfall in defendants' compliance in some manner satisfactory to the court may result, inter alia, in the appointment and empowerment of a Special Master to make available to prisoners sentenced to life without parole for juvenile crimes the process this Order envisions.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: November 26, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 26, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager